

# EXHIBIT 9

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

SUVERINO FRITH et al, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

WHOLE FOODS MARKET, INC.

Defendants.

Case No. \_\_\_\_\_

**AFFIDAVIT OF ANA BELÉN DEL-RIO RAMIREZ IN SUPPORT OF  
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Ana Belén Del-Rio Ramirez, hereby declare:

1. I have personal knowledge of the facts set forth in this declaration and could and would testify competently to them.
2. I have been working as an employee for Whole Foods since approximately 2016.  
I am Latina.
3. I work at the Whole Foods in Berkeley, California. I have been at this location since approximately 2018.
4. Due to the onset of the COVID-19 pandemic, Whole Foods began requiring that all its employees wear a mask to work.
5. Following the death of George Floyd and demonstrations springing up across the country in support of the Black Lives Matter movement, one of my co-workers put a small Black Lives Matter sign on his desk. He was told to remove it. I reported this to Whole Foods corporate because I believed it was discrimination.

6. Shortly thereafter, another employee wore a Black Lives Matter mask to work. I witnessed her being disciplined and sent home.
7. In response to the above, and to show solidarity with the Black Lives Matter movement and in support of my Black co-workers, me and many of my co-workers then decided to wear a Black Lives Matter pins and masks to work.
8. I continued to wear a Black Lives Matter pin or mask to work, however, for approximately a month. From mid-June to mid-July, I and about fourteen other Whole Foods employees at my location, wore Black Lives Matter masks and pins to our shifts.
9. On July 14, 2020, our store had “huddles” to inform us of a new mask policy that was being released and that required all masks to be blank and that we were not allowed to wear pins that were not Whole Foods related. Our manager said it was out of her control and coming from corporate.
10. On July 15, 2020, I again wore again wore my pin that said “Black Lives Matter” on it to work. I was asked to remove it and I refused. Management told me then I would have to go home.
11. I was surprised and disappointed by Whole Foods disciplining and retaliating against us for wearing the masks. I expected that Whole Foods would support us in wearing the Black Lives Matter masks because the company claims to be inclusive and support all of its employees and has publicly supported the movement.
12. Whole Foods claims that it is disciplining us because the Black Lives Matter masks violate a neutral dress code and mask policy, which prohibits employees

from wearing clothing with visible slogans, messages, logos, or advertising that are not company-related.

13. However, Whole Foods has not consistently enforced this policy. For example, I wear my Doc Marten's two to three times per week, which is a violation of the Whole Foods' policy requiring that we wear non-slip sneakers from Shoes for Crews, but I have never been told to take them off or been sent home for this violation.

14. I believe that Whole Foods is selectively enforcing its dress code to discipline employees for wearing Black Lives Matter Masks.

15. I continued to wear my Black Lives Matter pin after the July 14, 2020, huddles, because I believe that Whole Foods is discriminating against my Black co-workers and other employees of color by refusing to support my Black co-workers.

16. I also believe that Whole Foods is discriminating and retaliating against my Black co-workers by disciplining employees for wearing Black Lives Matter masks or pins, and against other workers who associate with them and are advocating for them, by disciplining us for wearing Black Lives Matter masks.

17. I continued to wear my Black Lives Matter pin at work to show support for my coworkers and to protest against the discriminatory policy of Whole Foods in selectively enforcing its dress-code.

18. My last scheduled shift was set for July 20, 2020, as I had recently given the company my two weeks notice, after deciding to leave due to the discriminatory


and retaliatory response of Whole Foods to its employees wearing Black Lives Matter masks.

19. When management sent me home on July 15, they asked if I thought my convictions would change between then and July 20 (my last day). I said no, that I planned to keep wearing the Black Lives Matter mask to work. They suggested that, in that case, we make July 15 my last day. I agreed.

20. I would have preferred to stay at Whole Foods, but the response to my wearing the Black Lives Matter mask has made it unbearable to work there. I feel that the company is discriminating against my Black coworkers and those of us who associate with and support them by wearing the Black Lives Matter masks, and it is retaliating against us for protesting the discriminatory policy.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 07/19/2020 .



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Ana Belén Del-Rio Ramirez